

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST CITY OF ATLANTA EMPLOYEE MAIFREN SOUTHALL IN THE CASE OF *KECIA CUNNINGHAM v. MAIFREN SOUTHALL*, SUPERIOR COURT OF FULTON COUNTY, CIVIL ACTION FILE NO. 2002-CV-48682, FOR THE SUM OF \$10,440.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM ACCOUNT NO. 1A01 (GENERAL FUND) – 529017 (PROPERTY LIQUIDATION) - T31001 (NON-DEPARTMENTAL), "SETTLEMENT OF SUITS AND CLAIMS"; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE PAYMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Maifren Southall, an employee of the City of Atlanta Department of Parks, Recreation & Cultural Affairs, while driving a truck belonging to the City of Atlanta across an icy bridge, accidentally impacted the automobile belonging to Kecia Cunningham, which brought a civil action as described above in the Superior Court of Fulton County; and

WHEREAS, pursuant to Atlanta City Code (1995) § 2-4 the City of Atlanta has waived immunity in connection with automobile accidents up to the sum of \$25,000.00, and whereas Atlanta City Code (1995) § 2-783(h) authorizes Council in its discretion to settle claims against City employees defended by the Law Department; and

WHEREAS, Kecia Cunningham suffered personal injuries with medical expenses and other damages in the amount of \$10,440.00; and

WHEREAS, after investigation by the Law Department, it has been determined that the employee was technically at fault in the collision; and

WHEREAS, in the opinion of the City Attorney the proposed settlement of the claim for \$10,440.00 is appropriate and is in the best interest of the City, now therefore:

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY
RESOLVES:

Section 1: THAT the City Attorney is hereby authorized on behalf of the City of Atlanta to settle the claim of Kecia Cunningham against City of Atlanta employee Maifren Southall as set forth in the case of *KECIA CUNNINGHAM v. MAIFREN SOUTHALL*, SUPERIOR COURT OF FULTON COUNTY, CIVIL ACTION FILE NO. 2002-CV-48682 by paying Ten Thousand, Four Hundred, Forty (\$ 10,440.00) Dollars, in full



settlement of all claims of the Plaintiff against the City of Atlanta, its officers and employees, including Maifren Southall, arising out the incident which was the subject matter of the litigation.

Section 2: THAT in furtherance of said settlement the Chief Financial Officer is authorized to issue the City's check in the sum of Ten Thousand, Four Hundred, Forty (\$ 10,440.00) Dollars, payable jointly to Kecia Cunningham and her attorney of record Edward R. Mashek, Esq., and to charge such amount to Account No. 1A01 (General Fund) - 529017 (Property Liquidation) - T31001 (Non-Departmental), "Settlement of Suits and Claims."

Section 3: THAT the City Attorney is authorized to enter into and execute on behalf of the City of Atlanta any and all documents, agreements and pleadings necessary to effectuate the settlement as authorized herein.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

June 20, 2005
June 23, 2005

RCS# 6751
6/20/05
3:36 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 4-21 05-R-1086 05-R-1084
 05-O-0972 05-R-1093 05-O-0906 05-R-0905
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

05-1074
(Do Not Write Above This Line)

A. RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A. RESOLUTION AUTHORIZING THE
SETTLEMENT OF ALL CLAIMS AGAINST
CITY OF ATLANTA EMPLOYEE
MAIFREN SOUTHAL IN THE CASE OF
KEVICA CUNNINGHAM V MAIFREN
SOUTHAL, SUPERIOR COURT OF
FULTON COUNTY, CIVIL ACTION FILE
NO. 2002-CV-48682, FOR THE SUM OF
\$10,440.00; AUTHORIZING SAID
PAYMENT TO BE CHARGED TO AND
PAID FROM ACCOUNT NO. 1A01
(GENERAL FUND-529017 (PROPERTY
LIQUIDATION)-T31001 (NON-
DEPARTMENTAL), "SETTLEMENT OF
SUITS AND CLAIMS"; AUTHORIZING
THE CHIEF FINANCIAL OFFICER TO
DISTRIBUTE THE PAYMENT AMOUNT;
AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 20 2005
JERRY DELOACH, DEPUTY CITY ATTORNEY

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSA Committee

6/14/05 Date

Chair
DeLoach

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To
Hunt
Calle Smith
DeLoach

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

JUN 20 2005

Mayor's Office
MAYOR'S ACTION

Mayor's Office

		6/20/05
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 05-O-1075 2. 05-O-1076 3. 05-O-1078 4. 05-O-1101 5. 05-O-1102 6. 05-O-1103 7. 05-O-1089 8. 05-O-1099 9. 05-O-0904 10. 05-O-0910 11. 05-O-0911 12. 05-O-0912 13. 05-O-0916 14. 05-O-0968 15. 05-O-0976 16. 05-O-1080 17. 05-O-0981 18. 05-O-0982 19. 05-O-1085 20. 05-O-1104 21. 05-O-1105 22. 05-O-1106 23. 05-O-0960 24. 05-O-0961 25. 05-R-1060 26. 05-R-1061 27. 05-R-1077 28. 05-R-1098 29. 05-R-1067 30. 05-R-1068	31. 05-R-1069 32. 05-R-1072 33. 05-R-0903 34. 05-R-1062 35. 05-R-1063 36. 05-R-1064 37. 05-R-1054 38. 05-R-1055 39. 05-R-1056 40. 05-R-1057 41. 05-R-1073 42. 05-R-1074 43. 05-R-1108 44. 05-R-1116 45. 05-R-1117 46. 05-R-0819 47. 05-R-1043 48. 05-R-1044 49. 05-R-1047 50. 05-R-1049 51. 05-R-1019 52. 05-R-1020 53. 05-R-1021 54. 05-R-1022	55. 05-R-1023 56. 05-R-1024 57. 05-R-1025 58. 05-R-1026 59. 05-R-1027 60. 05-R-1028 61. 05-R-1029 62. 05-R-1030 63. 05-R-1031 64. 05-R-1032 65. 05-R-1033 66. 05-R-1034 67. 05-R-1035 68. 05-R-1036 69. 05-R-1037 70. 05-R-1038 71. 05-R-1039 72. 05-R-1040 73. 05-R-1041 74. 05-R-1042